

Harry Martin

From: Bryan Tyson <btyson@taylorenglish.com>
Sent: Thursday, August 29, 2019 12:19 PM
To: Cross, David D.; Harry Martin; Robert McGuire; Cary Ichter; Adrienne.Hutcherson@fultoncountyga.gov; Chapple, Catherine L.; Carlin, John P.; Jene.Gipson@fultoncountyga.gov; Manoso, Robert W.; Tammy.walton@fultoncountyga.gov; Alyssa Alsbrooks; adenton@robbinsfirm.com; afrancisco@altshulerberzon.com; Miriyala, Arvind S.; antwanna.stinson@fultoncountyga.gov; atlanta@lawyerworks.com; bbrown@brucepbrownlaw.com; bjacoutot@gmail.com; Bryan Jacoutot; blake@robbinsfirm.com; bryan.tyson@tysonstrategies.com; Carolyn Adams; cbradley@brucepbrownlaw.com; cheryl.ringer@fultoncountyga.gov; cmiller@robbinsfirm.com; crystal@khlfawfirm.com; Woods, Cathy A.; david-cross-8491@ecf.pacerpro.com; david.lowman@fultoncountyga.gov; dbrody@lawyerscommittee.org; dbutler@robbinsfirm.com; dmcdaniel@robbinsfirm.com; dovie@khlfawfirm.com; hknapp@khlfawfirm.com; jbanuelos@altber.com; jbelinfante@robbinsfirm.com; Bentrott, Jane P.; Conaway, Jenna B.; jenglish@robbinsfirm.com; Janis Lemieux; jonlschwartz@mac.com; jpowers@lawyerscommittee.org; kanderson@robbinsfirm.com; katina.patterson@fultoncountyga.gov; kaye.burwell@fultoncountyga.gov; kmccuiston@robbinsfirm.com; lpatino@lawyerscommittee.org; Brimer, Marcie; mmurray@altber.com; nakeia.staley@fultoncountyga.gov; rabney@lawyerworks.com; Rashmi Ahuja; rmeier@robbinsfirm.com; sberzon_altber.com; sleyton_altber.com; smorris@robbinsfirm.com; sparks@khlfawfirm.com; vrusso@robbinsfirm.com; william@nhphlaw.com; Holly Cole
Subject: RE: 17-cv-02989-AT Curling et al v. Raffensperger et al

Ms. Cole and Mr. Martin:

The State Defendants filed the motion for extension this morning in light of Mr. McGuire's email after the teleconference that we can now expect an additional motion for leave to amend in this case. The Coalition Plaintiffs said they plan to file that motion on September 6, also challenging the new voting system, which would make the Defendants' responses due on September 20.

If the Court plans to rule on both motions at the same time, we believe that a combined briefing schedule makes the most sense, as explained in the motion. If the Court plans to rule on the motions separately, we will respond to each motion as required by the Rules. We filed the motion today for the convenience of the Court and parties, not to interpose any delays as Mr. Cross suggests.

We planned to file the motion yesterday but did not hear back from the Curling Plaintiffs regarding whether they would oppose the motion until yesterday evening.

Thanks,

Bryan



Bryan P. Tyson

Taylor English Duma LLP | 1600 Parkwood Circle, Suite 200, Atlanta, GA 30339
P: 678.336.7249 | M: 404.219.3160 | btyson@taylorenglish.com
[Website](#) | [vCard](#)

[Georgia Legal Awards](#) [Litigation Department of the Year](#)

This communication (together with all attachments) may contain privileged or confidential information, and its sender reserves and asserts all rights that may apply to it. If you are not the intended recipient or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate or otherwise use the information. Also, please indicate to the sender that you have received this communication in error and delete the copy you received. If you have not executed an engagement letter with this firm, we do not represent you as your attorney and no duties are intended or created by this communication. Most legal rights have time limits, and this e-mail does not constitute advice on the application of limitation periods unless otherwise so expressly stated.

From: Cross, David D. <DCross@mofo.com>

Sent: Thursday, August 29, 2019 12:02 PM

To: Harry Martin <Harry_Martin@gand.uscourts.gov>; Robert McGuire <ram@lawram.com>; Cary Ichter <CIchter@IchterDavis.com>; Adrienne.Hutcherson@fultoncountyga.gov; Chapple, Catherine L. <CChapple@mofo.com>; Carlin, John P. <JCarlin@mofo.com>; Jene.Gipson@fultoncountyga.gov; Manoso, Robert W. <RManoso@mofo.com>; Tammy.walton@fultoncountyga.gov; Alyssa Alsbrooks <aalsbrooks@IchterDavis.com>; adenton@robbinsfirm.com; afrancisco@altshulerberzon.com; Miriyala, Arvind S. <AMiriyala@mofo.com>; antwanna.stinson@fultoncountyga.gov; atlanta@lawyerworks.com; bbrown@brucepbrownlaw.com; bjacoutot@gmail.com; Bryan Jacoutot <bjacoutot@taylorenglish.com>; blake@robbinsfirm.com; bryan.tyson@tysonstrategies.com; Bryan Tyson <btyson@taylorenglish.com>; Carolyn Adams <cadams@taylorenglish.com>; cbradley@brucepbrownlaw.com; cheryl.ringer@fultoncountyga.gov; cmiller@robbinsfirm.com; crystal@khlawfirm.com; Woods, Cathy A. <CWoods@mofo.com>; david-cross-8491@ecf.pacerpro.com; david.lowman@fultoncountyga.gov; dbrody@lawyerscommittee.org; dbutler@robbinsfirm.com; dmcdaniel@robbinsfirm.com; dovie@khlawfirm.com; hknapp@khlawfirm.com; jbanuelos@altber.com; jbelinfante@robbinsfirm.com; Bentrott, Jane P. <JBentrott@mofo.com>; Conaway, Jenna B. <JConaway@mofo.com>; jenglish@robbinsfirm.com; Janis Lemieux <JLemieux@IchterDavis.com>; jonlschwartz@mac.com; jpowers@lawyerscommittee.org; kanderson@robbinsfirm.com; katina.patterson@fultoncountyga.gov; kaye.burwell@fultoncountyga.gov; kmcciston@robbinsfirm.com; lpatino@lawyerscommittee.org; Brimer, Marcie <MBrimmer@mofo.com>; mmurray@altber.com; nakeia.staley@fultoncountyga.gov; rabney@lawyerworks.com; Rashmi Ahuja <rahuja@taylorenglish.com>; rmeier@robbinsfirm.com; sberzon_altber.com <sberzon@altber.com>; sleyton_altber.com <sleyton@altber.com>; smorris@robbinsfirm.com; sparks@khlawfirm.com; vrusso@robbinsfirm.com; william@nhphlaw.com; Holly Cole <Holly_Cole@gand.uscourts.gov>

Subject: RE: 17-cv-02989-AT Curling et al v. Raffensperger et al

Dear Ms. Cole and Mr. Martin -

I've just landed in Salt Lake City to prepare for a hearing tomorrow on over a dozen pretrial motions. And I've just seen State Defendants filed a motion for a substantial extension of tomorrow's deadline for their response to our motion to amend our complaint. We oppose this incredibly untimely motion. But unfortunately my team and I are consumed today in Utah meeting with a client and preparing for tomorrow. This motion is highly prejudicial in a variety of respects, both on its merits (it would inject weeks of delay into our case to await a filing by other plaintiffs that may assert different claims — delay State Defendants will later use to oppose our relief as untimely as they've done twice already in this litigation) and on its procedure (coming the day before the deadline it seeks to extend). State Defendants represented to this Court just two days ago during the teleconference that they were prepared to respond tomorrow to our motion to amend the complaint. This is yet another transparent delay tactic. State Defendants do not even attempt to address the standard for the extension they request. Because we're not in a position to file a formal opposition brief today without considerable hardship and given we oppose any extension of tomorrow's deadline and given the motion fails on its face, I respectfully ask that the Court strike or deny the motion as improper, untimely, and/or lacking good cause. If the Court requires a formal opposition brief to do so, please let me know at your earliest convenience and we'll file what we can as soon as possible in order to preserve tomorrow's deadline and avoid substantial prejudice to our clients (and all other Georgia voters).

Best regards,
David Cross

This message may be confidential and privileged. Use or disclosure by anyone other than an intended addressee is prohibited. If you received this message in error, please delete it and advise the sender by reply email. Learn about Morrison & Foerster LLP's [Privacy Policy](#).